



**Minutes for Meeting of
Thursday, May 12, 2011**

Item-1: Call to Order

Commission Chair Westfall called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Commission Chair Larry Westfall, Vice-Chair Lee Biddle, Commissioners Faye Detsky-Weil (arrived at approximately 5:10 p.m.), Clyde Fuller, William Howatt, John O’Neill, and Bud Wetzler

Staff – Executive Director Stacey Fulhorst, General Counsel Christina Cameron , Program Manager Steve Ross, Senior Investigator Lauri Davis, Executive Secretary Kathy Hunt ,and Executive Secretary AveMaria Perkins

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of April 14, 2011

Commissioner O’Neill indicated that he would like the minutes to reflect his recusal on Closed Session matter 2011-05.

Motion: Approve with modification
Moved/Seconded: O’Neill/Howatt
Vote: Carried Unanimously
Excused: Detsky-Weil

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst reported on the following matters:

- The terms of Commissioners Detsky-Weil, Westfall, and O’Neil are due to expire on June 30, 2011. The reappointment paperwork has been delayed in the City Attorney’s Office because of a determination that was made in connection with the reappointment of Commissioner Westfall.

The City Attorney concluded that, according to a Council Policy that limits terms of board and commission members to no more than eight years, Commissioner Westfall is not eligible to be reappointed to another term.

- Program Manager Steve Ross has drafted a Committee Manual to help political committees comply with the City’s campaign laws. The draft manual has been distributed to the Commission’s Interested Persons’ distribution list in order to receive feedback from the regulated community.

For the benefit of newer Commissioners, Director Fulhorst explained the Commission’s informal press policy. She advised that Commissioners typically defer to the Executive Director and Chair to respond to media inquiries. In the event that a Commissioner feels compelled to speak to the press, he or she typically discusses the issue in advance with the Executive Director and Chair.

Commissioner Wetzler asked whether Commissioners who serve beyond their eight year term limit are eligible to vote on Commission matters.

Director Fulhorst responded that the City’s policy is to permit board and commission members to continue to serve beyond eight years if they are waiting for a replacement to be appointed.

Item-7: General Counsel Comment

None

Item-8: Application of Pre-Election Fundraising Time Constraints to 2012 Primary Election

Director Fulhorst reported that there have not been any further developments since her last report. She noted that the Commission will no longer need to address the matter because any future potential changes to the 2012 primary election date will not affect the City’s 12-month pre-election fundraising time period, which allows candidates to begin fundraising for the 2012 elections on June 5, 2011, 12 months before the currently-scheduled primary date of June 5, 2012.

Item-9: Appointment of Ad Hoc Committee to Nominate Commission Officers at June 9, 2011, Commission Meeting

Commission Chair Westfall reported that Commissioners Detsky-Weil and Wetzler have agreed to serve on the Ad Hoc committee.

Director Fulhorst reminded the Commissioners that the new Chair and Vice-Chair will assume office at the July Commission meeting.

Item-10: Adjournment to Closed Session

Commission Chair Westfall adjourned the meeting to Closed Session at approximately 5:15 p.m. He stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Commission Chair Westfall called the meeting back into open session at approximately 6:25 p.m.

Reporting Results of Closed Session Meeting of May 12, 2011

General Counsel Christina Cameron reported the results of the Closed Session Meeting of May 12, 2011

Item-1: Conference with Legal Counsel (2 potential matters)

Case No. 2011-27- In Re: Alleged Failure to Timely File Lobbying Disclosure Report

Motion: Initiate Investigation

Vote: Carried Unanimously

Case No. 2011-29- In Re: Alleged Failure to Timely File Lobbying Disclosure Report

Motion: Initiate Investigation

Vote: Carried Unanimously

Item-2: Conference with Legal Counsel (8 Potential Matters)

Case No. 2010-86- In Re: San Diego Works! - Alleged Failure to Timely File Campaign Statements

Motion: Approve Stipulation

Vote: Carried Unanimously

Case No. 2010-91 – In Re: San Diegans for Healthy Neighborhoods – Alleged Failure to Identify Committee Sponsor and Alleged Failure to Include Proper “Paid for By” Disclosure

Motion: Approve Stipulation

Vote: Carried Unanimously

Case No. 2011-05 – In Re: Latitude 33 Planning and Engineering - Alleged Failure to Timely File Lobbying Disclosure Report

Motion: Approve Stipulation

Vote: Carried Unanimously

Recused: O’Neill

Case No. 2011-12 – In Re: Alleged Improper Acceptance of Contributions and Improper Use of Campaign Funds

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2011-16 – In Re: Alleged Acceptance of Unlawful Campaign Contributions

Motion: Dismiss

Vote: Carried Unanimously

Recused: O’Neill

Case No. 2011-17 – In Re: Alleged Acceptance of Outside Compensation on City Time

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2011-19 – In Re: Alleged Failure to Timely Amend Lobbying Registration Form

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2011-25 – In Re: Alleged Failure to Disqualify from Municipal Decision Affecting Economic Interests

Motion: Dismiss

Vote: Carried Unanimously

Adjournment

The meeting adjourned at approximately 6:30 p.m.

Larry Westfall, Commission Chair
Ethics Commission

AveMaria Perkins, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.